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COMMITTEE OF THE WHOLE

RECORD OF THE FOURTH MEETING

Held at the Austria Center, Vienna,
on Thursday, 24 September 1998, at 10.40 a.m.

Chairman: Mr. JOSEPH (Australia)

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[*] GC(42)/20.

The composition of delegations attending the session is given in document GC(42)/INF/13/Rev.3.

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Abbreviations used in this record

ICAO	International Civil Aviation Organization
IMO	International Maritime Organization
MESA	Middle East and South Asia
SMR	Small and medium-sized reactors
TCF	Technical Co-operation Fund

STRENGTHENING THE EFFECTIVENESS AND IMPROVING THE EFFICIENCY OF THE SAFEGUARDS SYSTEM AND APPLICATION OF THE MODEL PROTOCOL (resumed)
(GC(42)/12; GC(42)/COM.5/11)

1. Mr. KEMPEL (Austria) said that, in response to comments made by the representative of India during the previous meeting, the co-authors of the draft resolution in document GC(42)/COM.5/11 agreed to the addition of the phrase "without delay as far as the available resources permit" at the end of operative paragraph 1.

2. Mr. RAGHURAMAN (India) said that his delegation could go along with the addition of that phrase.

3. The CHAIRMAN said he took it that the Committee wished to recommend to the General Conference that it adopt the draft resolution contained in GC(42)/COM.5/11 with "23" amended to "24" in preambular paragraph (f), with the addition of the phrase "without delay as far as the available resources permit" and with "Model Protocol" amended to "Model Additional Protocol" throughout the text.

4. It was so agreed.

MEASURES TO STRENGTHEN INTERNATIONAL CO-OPERATION IN NUCLEAR, RADIATION AND WASTE SAFETY (resumed)
(GC(42)/COM.5/5)

5. Mr. MCINTOSH (Australia) said that informal consultations on the draft resolution in document (GC(42)/COM.5/5 ("Safety of transport of radioactive materials") had not resulted in consensus.

6. Mr. STRATFORD (United States of America) said that many delegations, including his own, could accept most of the draft resolution. The problem lay for the United States in operative paragraph 2, which in its view would initiate a process whereby the Agency would acquire a regulatory role. The international regulators in the transport area were IMO and ICAO, and the United States abided by their regulations.

7. One question which had arisen was how shipping States could provide assurances that their regulatory structures met international standards to potentially affected States. His suggestion had been that there be added to the draft resolution a preambular paragraph whereby the General Conference would recognize that some States had concerns that regulatory structures in shipping States might not meet international standards and of an operative paragraph whereby the Conference would invite shipping States to provide appropriate assurances to such States, including any appropriate technical information that might be helpful. The United States provided such assurances on a bilateral basis and had encountered no problem in doing so.

8. Ms. OK (Turkey) said that her delegation would agree to participate in further informal consultations if Mr. McIntosh of Australia would agree to chair them.

9. It was agreed that further informal consultations should take place under the chairmanship of Mr. McIntosh and with members of the Legal Division and the Department of Nuclear Safety present.

ARTICLE VI OF THE STATUTE (resumed)
(GC(42)/19 and Add. 1)

10. The CHAIRMAN, inviting the Committee to resume its consideration of the agenda item "Article VI of the Statute", suggested that in due course - after the Chairman of the Board of Governors, Ambassador Ikeda, had held informal consultations and reported back - it might agree on the text of a statement which the President of the Conference could read out in Plenary.

11. Mr. RAGHURAMAN (India), speaking for the MESA Group, said that it was inappropriate to link the matter of the composition of regional groups to that of the extent of a Board expansion. Responsibility for the composition of any given regional group lay primarily with the members of that group. As far as the MESA Group was concerned, there was at present no justification for changing its composition.

12. Mr. BENMOUSSA (Morocco), having endorsed the statement made on behalf of the MESA Group, said that it was important not to link the question of geographical location - a purely factual matter - with that of membership of a regional group - much more of a political matter.

13. Under the Statute, a country could become a Board member without belonging to a regional group. Thus, Israel did not need to belong to the MESA Group, which was entitled to be master of its own composition.

14. The entire problem stemmed from Israel's desire to join the MESA Group, which was out of the question given the present situation in the Middle East.

15. Mr. ABDULAATI (Libyan Arab Jamahiriya) said that the expansion of the Board was an urgent issue. The number of African Member States of the Agency had grown considerably in recent years, and the Board's composition should reflect that fact; the number of seats allocated to Africa should be increased to seven.

16. As regards the matter of the composition of the MESA Group, it was a political one which could be settled only when there was peace in the Middle East region.

17. Linking the matter of an expansion of the Board to that of the composition of regional groups was delaying an increase in the number of seats for Africa, and the Africa Group was strongly opposed to such a linkage.

18. Mr. YAMANAKA (Japan) said that he was somewhat discouraged by the statements being made in the Committee. In paragraph 14 of the Board's report to the General Conference, there was talk of consultations being intensified with a view to resolving the outstanding issues at the Conference's current session. Despite intensified consultations, the same old positions were now being taken and it was still unclear how progress might best be made.

19. The Committee's Chairman had suggested that the Chairman of the Board, Ambassador Ikeda, hold informal consultations and report back to the Committee. His delegation wondered whether that would be really worthwhile at the present juncture.

20. Mr. UMER (Pakistan) said he well understood the discouragement expressed by the representative of Japan, but he believed that the Chairman of the Board should conduct informal consultations in a final effort to arrive at a solution.

21. Mr. BENMOUSSA (Morocco) said the viewpoint of the representative of Japan was not necessarily that of the Chairman of the Board, who had displayed exceptional impartiality.

22. Ms. SAYAF (Syrian Arab Republic), recalling that in resolution GC(39)/RES/22 the General Conference had in 1995 emphasized that "the primary responsibility for deciding upon the composition of regional groups lies with the respective groups themselves", said that Israel's inclusion in the MESA Group would not be an appropriate solution to the problem under consideration. The interests of all Member States, not just one, must be borne in mind.

23. Mr. Dong-Hee CHANG (Republic of Korea), having commended the Chairman of the Board of Governors on his efforts to resolve a long-standing problem, said it was regrettable that, despite those efforts, the Board had been unable to agree on an amendment of Article VI. In his delegation's view, the proposal by the Chairman of the Board spelled out in paragraph 13 of the Board's report represented the best way of resolving the problem.

24. His delegation hoped that the informal consultations which Ambassador Ikeda of Japan was apparently ready to hold would bear fruit.

25. Mr. IKEDA (Japan), speaking as Chairman of the Board of Governors, said that informal consultations would be meaningless in the absence of a political will on the part of the participants to resolve the Article VI issue. If the Committee so desired, however, he would conduct informal consultations - first with individual Member States and then, if it appeared useful, with all interested Member States in an open-ended group.

26. The CHAIRMAN suggested that the Chairman of the Board of Governors be given the rest of the day for informal consultations. He could report to the Committee on the results either directly or through him, the Committee's Chairman.

27. It was so agreed.

28. Mr. UMER (Pakistan) said that if no useful results emerged, the General Conference should give the Board of Governors a clear mandate to pursue the issue vigorously in the coming year.

STRENGTHENING OF THE AGENCY'S TECHNICAL CO-OPERATION ACTIVITIES (GC(42)/COM.5/3/Rev.1)

29. Mr. CRONJE (South Africa), introducing the draft resolution in document GC(42)/COM.5/3/Rev.1, said that it reflected proposals for amendment made by a number of delegations - orally and in writing. Most of the proposals made had been accepted by the Group of 77 and were reflected in the revised draft resolution.

30. Mr. KEMPEL (Austria) said his delegation could not accept preambular paragraph (f), which linked two issues that had no cause to be linked: "the great potential of nuclear power for meeting energy requirements" and "the need to protect the environment".

31. Mr. MOONEY (Ireland) suggested that the phrase "the great potential of nuclear power" be replaced by "the desire of many countries to develop nuclear power".

32. Mr. WØHLK (Denmark) endorsed what had been said by the representatives of Austria and Ireland.

33. Mr. RAGHURAMAN (India) suggested as an alternative that the words "in many countries" be inserted after "the great potential of nuclear power".

34. Mr. CRONJE (South Africa) said he would consult with other members of the Group of 77 and propose a revised version of preambular paragraph (f).

35. Mr. STRATFORD (United States of America), referring to operative paragraph 2, suggested that the words "at an appropriate time" be added after "to resume discussions among Member States" in order to make it clear that it would be for the Board to decide when to resume discussions.

36. Mr. CASTERTON (Canada), having endorsed that suggestion, proposed deletion of the words "with a perspective of increase" and the addition of a preambular paragraph reading "Recalling that in the report of the Informal Working Group on the Financing of Technical Assistance (GOV/1998/38) it is noted that there will be a perspective of an increase as compared with the 1999-2000 biennium,".

37. Mr. IKEDA (Japan) and Mr. PECSTEEN (Belgium) supported that proposal.

38. Mr. CASTERTON (Canada), referring to operative paragraph 3, suggested that the phrase ", in particular major donors," be deleted and that a phrase on the lines of "to pay their full target shares" be included.

39. Mr. MCINTOSH (Australia) supported those suggestions.

40. Mr. TOWLER (United Kingdom) said that, for national budget cycle reasons, his country was unable to pledge TCF contributions; it contributed without making any pledges beforehand. His delegation would therefore like to see the word "pledged" in operative paragraph 3 deleted.

41. Mr. RUIZ RODRIGUEZ (Spain), supported by Mr. PECSTEEN (Belgium) and Mr. DI SAPIA (Italy), suggested that "pledged" be replaced by "voluntary".

42. Mr. FRASK LUCERO (Brazil) suggested that the Committee adopt the wording proposed the previous day by the United States representative: "... to pay in full and on time their contributions to the Technical Co-operation Fund".

43. Mr. MCINTOSH (Australia) said that Member States should be urged not merely to pay "their contributions" but to pay specific TCF target shares.

44. Mr. IKEDA (Japan), having expressed support for the deletion of ", in particular major donors," and for wording on the lines of "their TCF target shares", said that the end of operative paragraph 3 should read something like "... and urges concerned Member States to pay assessed programme costs".

45. Mr. CRONJE (South Africa) said that the question of the payment of assessed programme costs should perhaps be covered in a separate paragraph. He requested time to consult on the various comments made about the wording of operative paragraph 3.

46. Mr. STRATFORD (United States of America), referring to operative paragraph 4, said that, while he fully endorsed the substance of the paragraph, he considered it too long. He suggested that the whole of the text following "in the 21st century" be deleted.

47. Mr. WØHLK (Denmark) said that his country, although so far always paying its TCF target shares in full and on time, had decided not to base its electricity production on nuclear power. In Denmark's view it had never been a task of the Agency to promote the use of nuclear power, and his delegation was therefore unable to accept the wording of operative paragraph 4, even with the deletion suggested by the United States representative. It would like a formulation very similar to that of operative paragraph 3 of resolution GC(41)/RES/13 adopted the previous year.

48. Mr. FRANCK (Luxembourg), endorsing the views expressed by the delegate of Denmark, said that Luxembourg did not as yet contribute to the TCF since its Government considered that the Agency should not provide technical assistance in support of the development of nuclear power programmes.

49. If the draft resolution was adopted with operative paragraph 4 as it stood, Luxembourg would be less likely to start contributing to the TCF in the future.

50. Mr. TOWLER (United Kingdom) said he was somewhat puzzled by the comments made by the two previous speakers: Article III.A.2 of the Statute stated that one of

the Agency's functions was "To make provision ... for materials, services, equipment, and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power".

51. Mr. FRANCK (Luxembourg) said that in his delegation's view a distinction should be made between, on one hand, promoting nuclear power and, on the other, providing requested assistance to countries which had made a sovereign decision in favour of the nuclear power option. The Agency should not be in the business of promoting nuclear power.

52. Mr. KEMPEL (Austria) proposed reverting to the wording of operative paragraph 3 of resolution GC(41)/RES/13; that might be a compromise acceptable to all.

53. Mr. MOONEY (Ireland) said that, like Denmark and Luxembourg, his country had renounced the use of nuclear power. His delegation would therefore like operative paragraph 4 - or at least part (b) - to be deleted.

54. Mr. STRATFORD (United States of America), endorsing the United Kingdom representative's comment, recalled that the Committee had earlier agreed to recommend the adoption of a draft resolution ("Plan for producing potable water economically") in which considerable emphasis was placed on SMR development.

55. Perhaps it would help delegations like those of Denmark, Ireland and Luxembourg if the reference to "nuclear energy" in operative paragraph 4 was not highlighted in a separate subparagraph.

56. Mr. RAGHURAMAN (India), referring to the suggestion made by the representative of Spain and the statement made by the representative of Luxembourg, said that in his delegation's view, once the General Conference had set a TCF target for the following year, Member States had a moral obligation to pay their TCF target shares; contributions to the TCF should not be regarded as "voluntary".

57. Mr. FRASK LUCERO (Brazil), welcoming the reference made by the United Kingdom representative to Article III.A.2 of the Statute, said that his delegation would like the wording of operative paragraph 4 to be kept unchanged.

58. Mr. UMER (Pakistan), also welcoming the reference which had been made to Article III.A.2 of the Statute, suggested that some of the wording of Article III.A.2 be incorporated into operative paragraph 4.

59. Mr. ÖZERDEN (Turkey) said that his delegation would like the draft resolution to emphasize the importance of "the production of electric power" by means of nuclear energy.

60. Mr. CASTERTON (Canada), expressing support for the idea just put forward by the United States representative regarding the reference to "nuclear energy", said that, if that suggestion was not acceptable to some delegations, the Committee should perhaps consider reverting to the wording of operative paragraph 3 of resolution GC(41)/RES/13.

61. Mr. BORCHARD (Germany) said that in his delegation's view the Committee should indeed revert to the wording of that paragraph.

62. Mr. MULTONE (Switzerland), welcoming the reference which had been made to Article III.2.A of the Statute, expressed support for the idea put forward by the United States representative.

63. Mr. DI SAPIA (Italy) said that the position of his country was similar to Denmark's position; Italy would have greater difficulty in contributing to the TCF if there was increased emphasis on the promotion of nuclear power in General Conference resolutions.

64. Mr. HERRERA ANDRADE (Mexico), having thanked the Group of 77 for producing a revised version of the resolution text which had been submitted in document GC(42)/COM/5/3, said that, as he saw it, the emphasis in part (b) of operative paragraph 4 was not on the promotion of nuclear power among countries which had not yet opted for nuclear power, but rather on assisting those developing countries which had already opted for it.

65. Mr. UMER (Pakistan) said that his delegation would like to see an explicit reference to nuclear power in the draft resolution. It had the feeling that the role of nuclear power was being de-emphasized within the Agency, as part of a conspiracy to keep developing countries in their place.

66. The CHAIRMAN, responding to the comments made by the Ambassador of Pakistan, said that the previous Director General, Mr. Blix, had extolled the virtues of nuclear power at every opportunity.

67. Mr. MCINTOSH (Australia) said that in his delegation's view it was not necessary to spell out in the draft resolution exactly what actions needed to be taken by the Department of Technical Co-operation in the field of nuclear power. The Department was already aware of Member States' feelings as to what its priorities should be.

The meeting rose at 1 p.m.